



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,504	07/10/2006	Gerd Breiter	DE9-2002-0043-US1	8083
33558 7590 06/24/2010 INTERNATIONAL BUSINESS MACHINES CORPORATION Richard Lau IPLAW DEPARTMENT / Bldg 008-2 2455 SOUTH ROAD - MS P386 POUGHKEEPSIE, NY 12601				
EXAMINER ANDERSON, FOLASHADE				
ART UNIT 3623		PAPER NUMBER		
NOTIFICATION DATE 06/24/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

poiqlaw2@us.ibm.com

Office Action Summary

Application No.

10/562,504

Applicant(s)

BREITER ET AL.

Examiner

FOLASHADE ANDERSON

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This is the first non-final office action in response to Applicant's submission filed on 12/22/2005.

Status of Claims

2. Currently, claims 1-15 are pending. Claim 16-20 are canceled.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 08/26/2009 was considered by the Examiner in the prosecution of the claims in the instant application.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: # 152 of figure 1 and # 300 of figure 3; . Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 80 and 1024, see par. 0028 of published application (2006/0293936 A1); . Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Throughout these claim Applicant had place a

portion of the claim within parentheses, for example in claim 3 "into set of lower resource types (base resources types)." This claim is interpreted as "base resources" is a synonym for "lower resource types" as such it is an aside which is given no patentable weight. If the Applicant intends for the portion of the limitation to be interpreted as apart of the claim then the parentheses should be removed.

8. Claims 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant was use the conjunction "and/or" it is unclear if the portion of the claim following the conjunction is recited in positive or alternative the claim. For purposes of this examination the claim is interpreted in the alternative.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kark et al. (US Publication 2002/0107761 A1) in view of Yanagimachi (US Publication 2002/0059090 A1).

11. Claims 1, 8, and 15

Kark teaches a method for automatically transforming a provider offering describing a customer specific service environment in business terms into a form which

is automatically executable by a resource management system, the method comprises the steps of:

- receiving a description of a provider offering in business terms without any references to specific resources (Abstract "Information from a plurality of manufacturer catalog are provided")
- providing access to a resource catalog containing descriptions of all available resource types including information about dependencies of said resource types belonging to said customer specific service environment as well as reference information to execute resource management actions for said resource types (par. 0052 "enable filtering of presentation of a catalog information based upon factors such as the particular portal used to enter the catalog or based on other criteria of the viewer of the catalog")
- mapping said description of said provider offering with said resource type information contained in said resource catalog and generating a customer specific service environment topology tree comprising the steps of (Abstract "resellers having established relationships . . . extract information . . . from higher layer catalog to generate their own catalog" and par. 0097 "link tables is used to define marketing linkages and ties among products"):
 - using said provider offering as root node of a customer specific service environment topology tree to be generated (par. 0075 "customer catalogs may be created for particular markets or

- customers by extracting information from a corresponding channel partner");
- adding identified resource types as nodes in said topology tree which are mapping with said provider offering (par. 0097 "MAPFROM and MAPTO fields identify specific fields that can associate the product with related products" where the fields are the equivalent to nodes);
 - adding child nodes to said identified nodes when said identified resource types (aggregated resource types) map into a set of lower level resource types (child resources) (par. 0102 "Similar procedures will be readily apparent to those skilled in the art to add, delete, or change categories or relations of products to categories, attributes of products, etc.")
 - repeating the previous steps until said resource types cannot be mapped into set of lower resource types (base resource types) (par. 0103 "entries to be added to the catalog and processing continue looping back to element 600" and par. 0104 " and fig. 6);
 - traversing said customer specific service environment topology tree, wherein each node in said customer specific service environment topology tree represents a resource types (par. 0097 "MAPFROM and MAPTO fields identify specific fields that can associate the product with related products" where the fields are the equivalent to nodes);

- compiling said sequenced management actions into a machine readable form executable by said resource management system (Abstract "Information from a plurality of manufacturing catalogs are provided and integrated" and par. 0113 "the process may also be performed automatically using timed event processing and script controls" It is note that while Kark does not show the particulars of the types of catalogs only disclosing in the general terms of manufacture/producers the claimed act of compiling is the same as the integration/aggregation step of Kark).

Kark teaches gathering and extracting information from a plurality of manufactures (see abstract and par. 0075-0076) which implies that resource management action catalogs are encompassed in this process; however does not expressly teach the claimed step of providing information is done to a resource management action catalog containing resource management actions each describing how to manage a single resource type by a resource control system; extracting from said resource management action catalog all resource management actions of said resource types identified in said customer specific service environment resource topology tree or sequencing said extracted resource management actions according to requirements of said defined customer specific service environment; and environment.

Yanagimachi teaches in the analogous art of job state administration:

- providing access to a resource management action catalog containing resource management actions each describing how to manage a single resource type by a resource control system (par. 0927 "transfers the job

data regarding the job of "New spring catalog" together with information on the set action" and par. 0937 "the working state table and action state table, the variable amount of accounting is extracted")

- extracting from said resource management action catalog all resource management actions of said resource types identified in said customer specific service environment resource topology tree (par. 0927 "transfers the job data regarding the job of "New spring catalog" together with information on the set action" and par. 0937 "the working state table and action state table, the variable amount of accounting is extracted")
- sequencing said extracted resource management actions according to requirements of said defined customer specific service environment; and environment, (par. 0023 "direct connection is defined as an action or state of logical connection wherein the job directory of a working object is the destination for connection", and figs. 43-44 with accompany text).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the features as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 8 is substantially similar to claim 1 and is therefore rejected for the same reasoning given above. Kark teaches the additional limitation of claim 8:

- a transformation component for generating a customer specific service environment topology tree by (Abstract "system for multi-layered channel marking catalog generation");
- a compilation component for generating a customer specific service environment definition by :

Claim 15 is substantially similar to claim 1 and is therefore rejected for the same reasoning given above.

12. Claim 2

Kark and Yanagimachi teach the method according to claim 1, and Kark further teaches wherein said resource management actions includes the operations creation, management and/or deletion of said resource types (par. 0042-0046 and 0102).

13. Claim 3

Kark and Yanagimachi teach the method according to claim 1, and Yanagimachi further teaches wherein said sequence is defined by input and out parameter of said resource management actions (par. 0018 and 0829).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the sequence is defined by input and out parameter of said resource management actions as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

14. Claim 4

Kark and Yanagimachi teach the method according to claim 1, and Yanagimachi further teaches wherein said sequence is implemented as workflow executable by said resource management system (par. 0745-0752; where process flow is the equivalent of workflow).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the sequence is implemented as workflow executable by said resource management system as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

15. Claim 5

Kark and Yanagimachi teach the method according to claim 1, and Yanagimachi further teaches wherein said resource management actions are used to define a decision logic in form of rules to control the execution of said resource management actions (par. 0311, 0319 and 0334).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the resource management actions are used to define a decision logic in form of rules to control the execution of said resource management actions as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely

would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

16. Claim 6

Kark and Yanagimachi teach the method according to claim 5, and Kark further teaches wherein said defined work flow process or said decision logic is implemented in a form of XML data (Abstract and par. 0038).

17. Claim 7

Kark and Yanagimachi teach the method according to 1, and Kark further teaches wherein said reference information includes a URL pointing to a Web Service with the corresponding Web Service description for execution of said resource management actions (par. 0002, 0038).

18. Claim 9

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said resource catalog contains categorized aggregated resource types which contain references to one or more other resources types with other parameters for them or a certain combination of them or both (par. 0092 and 0097).

19. Claim 10

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said provider offering forms the highest aggregation level of aggregated resource types and the base resources form the lowest not further expandable level in said resource catalog, wherein only said base resource types

contain reference information to execute resource management actions for said resource types (fig. 5 and accompanying text).

20. Claim 11

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said resource catalog may be implemented in a form of a table stored in a database, or XML file stored in a file system (Abstract and par. 0038).

21. Claim 12

Kark and Yanagimachi teach the system according to claim 8, and Kark further teaches wherein said resource management actions includes creation, management, and deletion of said resource types (par. 0042-0046 and 0102).

22. Claim 13

Kark and Yanagimachi teach the system according to claim 8, and Yanagimachi further teaches wherein each resource management action is defined by the name of the resource type, its task and its specific input and output parameter (par. 0018 and 0829).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the resource management action is defined by the name of the resource type, its task and its specific input and output parameter as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

23. Claim 14

Kark and Yanagimachi teach the system according to claim 8, and Yanagimachi further teaches wherein the result of said compilation component is a machine-readable description of sequenced resource management actions as well as decision logic for operating said customer specific service environment (par. 0023, 0489, & 0893).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Kark the result of said compilation component (125) is a machine-readable description of sequenced resource management actions as well as decision logic for operating said customer specific service environment as taught by Yanagimachi since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Briter et al (US 2008/0201715 A1), Sisley et al (US Patent 5,943,652), Chellis et al (US Patent 6,901,446 B2) and Breiter et al (2008/0109806) disclose service environment definition and a resource management action catalog. Eilam et al (US Patent 7,676, 552 B2) and Breiter et al (US Publication 2006/0159014 A1) teach allocating services based on descriptions. Dunn et al (US Publication 2004/0260620 A1) and Seshadri et al (US Patent 7,698,276 B2) teach the aggregation

of product and service offerings. Lynch et al (US Patent 6,002,854) teaches system configuration base on resource management. Daur et al (US Publication 2005/0131773 A1) teaches dynamic service offerings in a resource catalog.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3623

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623